

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**JERRY LEE LEWIS, JUDITH LEWIS,  
LORI LEWIS, and JERRY LEE LEWIS, III**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 2:16-cv-02726-dkv**

**EZEKIEL LOFTIN**

**DEFENDANT**

**UNOPPOSED MOTION TO REOPEN CASE FOR LIMITED PURPOSES**

COMES NOW Defendant, Ezekiel Loftin, by and through counsel, and files his unopposed motion to reopen case for limited purposes and to allow access to pleadings, documents and exhibits under protective order and seal. In support of the same, Defendant would show unto the Court as follows:

1. The Defendants and Defendants' counsel and persons working with them in Case No. 3:17-cv-00180-NBB-RP *Lewis, et al. v. Loftin, et al.*, pending in the United States District Court for the Northern District of Mississippi, require access to copy and use pleadings, documents and exhibits under seal in this case as long as said use of documents in any other litigation is subject to the Court's protective order and are sealed therein.

2. The Defendants in a substantially similar case in Mississippi have removed that suit against Mr. Loftin and others to the United States District Court for the Northern District of Oxford. The Mississippi case includes issues that are substantially the same as issues raised in this Court which are under seal. The Mississippi defendants are required under the Federal Rules to file the State Court record within 14 days of the removal or by October 4, 2017. The relief granted herein will ensure that filing that record and any documents covered this Court's prior protective order [Doc. 33] and prior seal order [Doc. 36] are not violated by the removing Defendants in the Mississippi case.

3. Defendant requests that counsel for the Plaintiffs make available for copying each and every document produced in response to any subpoena *duces tecum* issued in this matter to Counsel for the Defendants in said Mississippi Federal Court case or email them to Defendants' Counsel.

4. Counsel for Ezekiel Loftin in said Mississippi case requests that they be authorized to issue subpoena *duces tecum* to each recipient of subpoenas *duces tecum* issued and/or served by the Plaintiff in this case.

5. Notwithstanding the protective order [Doc. 33] and the order of seal [Doc. 36] in this case, the attorneys representing Ezekiel Loftin in this matter, Melissa T. Moore and Melissa A. Maravich of the firm Burch Porter & Johnson, are requested to share all information in their files to counsel for Mr. Loftin and his co-defendants, Phoebe Loftin, Myra Williams and Pont Neuf, Inc. in the Mississippi case within seven (7) days of the entry of an order and that they be fully authorized to confer with said counsel as may be necessary to disclose information which they have that will or may assist in the defense of Mr. Loftin and others in the Mississippi Federal Court suit, *Lewis, et al. v. Loftin, et al*, Case. No. 3:17-cv-00180-NBB-RP.

6. Prior entry of a protective order and order to seal in the Mississippi case should not be required before the other actions required or allowed by the proposed order reopening this matter is initiated as the deadline is approaching. However, a motion to seal has been filed in that case. (*See Memorandum Brief in Support of Second Motion to Submit Documents Under Seal [Doc. 9] attached hereto as Exhibit "A"*) Furthermore an agreed order allowing obtaining the court file in the Court from which the complaint in the Mississippi case was removed has been submitted or will be shortly by agreement of Counsel to that Court. (*See proposed Protective Order Sealing File attached hereto as Exhibit "B".*)

7. The Defendants, by and through Ezekiel Loftin, the only defendant common to both cases, in the Mississippi Federal Court case specifically request that they be authorized to file with the Northern District of Mississippi a copy of the proposed First Amended Verified Complaint and all briefing related to same filed before this Court, and to the extent that the content of the Verified Complaint filed in DeSoto County Chancery Court Case No. 17-cv-1526 and removed to the above-referenced Northern District of Mississippi case does or could be viewed violating any orders of this Court, and that the removing defendants be authorized to file same as part of the filing of the DeSoto Chancery Court file as required by the Federal and Local Court Rules in a removed case. It is requested that the Court order that this filing and use will not be a violation of this Court's orders for protection and sealing nor a waiver of any rights and defenses of any party with reference to any actual or potential violation of this Court's prior orders.

8. Additionally, Defendant requests that this Court retain jurisdiction to enforce all aspects of the this Order and all other, prior orders issued herein, and direct that after compliance with the production required herein the parties shall jointly advise by notice filed herein the Court within five (5) days that the matter can be closed on the docket of this Court.

WHEREFORE, premises considered, Defendant, Ezekiel Loftin, respectfully requests that this Court reopen this case for the limited purposes as stated herein and for any additional relief to which he may be entitled.

All counsel appearing in this case have for their clients agreed to the entry of an order providing the relief requested herein and an order to do so is submitted directly to the Court for consideration.

**RESPECTFULLY** submitted, this the 29th day of September, 2017.

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**BY:** /s/ Dan W. Webb  
**DAN W. WEBB**

**CERTIFICATE OF SERVICE**

I, Dan W. Webb, one of the attorneys for Defendant, Ezekiel Asa Loftin, XII, hereby certify that I have filed the foregoing *Unopposed Motion to Reopen Case for Limited Purposes* with the Clerk of the Court using the Court's electronic filing system which, in turn, delivered a copy of the same to all counsel of record as follows:

**Joseph D. Barton, Esq.**

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*Attorney for Ezekiel Loftin*

**THIS**, the 29<sup>th</sup> day of September, 2017.

/s/Dan W. Webb

**DAN W. WEBB**